

Existing law provides for the drug division probation program (drug court).

Existing law provides for intensive incarceration under DPS&C (IMPACT program).

New law retains these provisions of existing law.

New law further provides that any defendant who has been placed on probation by the drug division probation program, and who has had his probation revoked for a technical violation of drug division probation as determined by the court, may be ordered to be committed to the custody of DPS&C and be required to serve a sentence of not more than six months without diminution of sentence in the intensive incarceration program.

New law further provides that upon successful completion of the program, the defendant shall return to active, supervised probation with the drug division probation program for a period of time as ordered by the court, subject to any additional conditions imposed by the court and under the same provisions of law under which the defendant was originally sentenced. If an offender is denied entry into the intensive incarceration program for physical or mental health reasons or for failure to meet the department's suitability criteria, the department shall notify the sentencing court for resentencing.

Effective August 15, 2009.

(Amends R.S. 13:5304(B)(3)(f), R.S. 15:574.4.1(B) and C.Cr.P. Art. 900(A)(6)(a) and (b); Adds R.S. 15:574.4.1(A)(6) and (J) and C.Cr.P. Art. 900(A)(6)(c))